

Executive Director's/Chairman's Reports: September 25, 1997

1. Call to Order/Attendance.

CHAIR: Call on Margit.

2. Public Comments.

CHAIR: This is the time for public comments on items NOT on the agenda.

3. Minutes of the July 24, 1997 Meeting.

CHAIR: Any changes of corrections?
(Needs motion, second and voice vote.)

4. Chairman's Report.

NEXT MEETING: Thursday, November 20, 1997 in the Jean Harvie Community Center at 6:30 p.m.

CALFED PUBLIC MEETING: Tentatively schedule for November 4, 6-9 p.m. in the Jean Harvie Community Center.

5. Attorney General's Report.

CHAIR: Call on Rick Frank (Dan Siegel on vacation).

6. Executive Director's Report.

SLUDGE: Lawsuit brought by Central Delta Water Agency, South Delta Water Agency and CA Farm Bureau against State water Resources Control Board regarding the General Order for placing sewage sludge on agricultural lands, the Board had originally agreed to allow placement on sites where the Notice of Intent had been received; those NOIs were rescinded.

STATEN ISLAND HABITAT PROJECT: Monitoring reports for two of the sites were recently prepared by DFG. At the 1992 site, where 300 linear feet of SRA habitat was the goal; 719 feet have been established. At the 1993 site, 300 linear feet of SRA was required; 328 linear feet is in place.

FISH: The number of striped bass in the river system is at its lowest since 1959. They cannot be listed as endangered because they are not natives, and were introduced in 1879.

DUCKS: Ducks and Geese are near record numbers; a USFW report estimates 43 million ducks nested this year up from 41 million in 96 and 25 million in 90. Estimated 92 million ducks are expected to fly south compared with 89 million in 96 and 64 million in 90.

DU has hired a new staff person to cover Sacramento Valley, the Delta and Suisun Marsh for the Valley care program, his name is Peter Schmidt. DU has also released a new booklet on "Establishing a Hunting Program on Your Farm" I will pass around copies.

NEW PUBLICATION: Staff has distributed information on how to order a new publication entitled FARMING FOR WILDLIFE, which features Delta and Valley agriculture (Shanks and McCarty Company). Report prepared by Department of Fish and Game.

IN-CHANNEL ISLAND: The Kjeldson report has been completed and I am taking orders from those that want a copy; I will pass around a copy of the report; staff will mail order forms to you. In addition, the San Francisco Estuary Project In-Channel Island Subcommittee did prepare and submit a grant application to carry out pilot projects at four sites to protect and enhance in-channel islands and to prepare a handbook to distribute to help others do similar projects.

YOLO BYPASS WETLANDS: The Yolo Bypass wildlife area wetland are completed and will be flooded September and turned over the DFG in October. There is a new DFG office on site and an office for the nonprofit Yolo Basin Foundation. Public use include: weekend field trips led by Audubon Society personnel; use by teachers and schoolchildren (50 teachers attended a workshop to train them); northwest unit open Monday through Friday, 8:00 - 5:00 for 4 mile driving tour and several walking trails; and east and central units will be open for hunting Wednesdays, Saturdays, and Sundays, starting 4:00 a.m. to sunset starting in late October.

GRANT PROGRAM: SWRCB has released its RFP for Prop 204 Delta Tributary Watershed Program grants. 14.5 million in grants will be distributed; applications are due January 9, 1998.

COMMISSION ELPF LOAN: There has been approval to credit the remainders of the Commission's budgeted funds from FY 96-97 to repay the Commission's loan from the ELPF.

DWR FLOOD CENTER: DWR will again this year be setting up a special Delta flood center in its Central District office and has asked Delta Protection Commission staff to help in an emergency. The Chairman has indicated that would be acceptable.

7. Pending Projects Memo.

CHAIR: Please note new information is now underlined. The memo is for Commission Information Only; any questions of staff?

8. Update on Legislative Matters.

CHAIR: Staff will update the Commission on the status of legislation which may affect Delta land uses or activities.

MARGIT: Thank you Mr. Chairman. Walter Kornichuk has prepared this summary for your information. I want to report that SB 172, Senator Rainey's bill to create funding and streamline the process for removing abandoned vessels was approved by the Legislature on the last day of the session. We are awaiting the Governor's signature. The bill received no "No" votes in either house. Several other bills of interest to the Commission have been passed. Please note, since the July staff report, a couple of additional bills were added. Walter is here to answer questions.

(NO action required)

9. Briefing on Report of Recreational User Survey Prepared by Department of Parks and Recreation.

CHAIR: Staff will make a brief presentation, and then Department of Parks and Recreation staff will brief the Commission on the findings of the statewide survey of boater and angler use of the Delta. (Odell King will represent Parks and Rec)

MARGIT: Mr. Chairman, I want to briefly review the history of this survey for the Commission. In the beginning, the Commission prepared nine background reports. Two were prepared by other than staff. The report on recreation was prepared by a private consulting firm, Brady and Associates. That report made recommendations about public access and recreation in the Delta, acknowledging that there was no current user survey available. The Commission was concerned about moving forward with specific recommendations without current data. The adopted findings and policies in the Plan are general, and do support a study of uses in the Delta.

The Commission and Department of Boating and Waterways both funded the survey of recreational users of the Delta, prepared by the Department of Parks and Recreation. In addition, your staff agreed to prepare the inventory of recreational facilities; the draft was presented to you at the May 1997 meeting. The data developed in these two reports can be used to refine the Plan's policies, can be used by private sector to analyze the recreation "market", can be used by local, state, and federal agencies in developing programs and projects in the Delta.

To provide oversight of the survey, the Commission created an Oversight Subcommittee chaired by Commissioner Nottoli, and including: Commissioner Bill Curry for DBW, Commissioner Don Murphy for DPR, Kate Hansel and Judy Higley for DWR, Mervin Hee for DFG, Diana Jacobs for SLC, and citizen members: Sally Shanks, Chris Lauritzen, Steve Woodard, and Gil Labrie. They spent many hours providing helpful comments and recommendations. I would like to acknowledge their contribution.

CHAIR: Call on Roger Wilmarth/Odel King of Department of Parks and Recreation.

CHAIR: Call on Margit next.

CHAIR: Commissioners, any questions of DPR staff?

CHAIR: Any public comment?

CHAIR: Any Commissioner discussion? (Nottoli first)

CHAIR: Summarize any directions to staff.

10. Briefing on Submittal from Contra Costa County Regarding Conformance with Amendment to the Land Use and Resource Management Plan for the Primary Zone of the Delta.

CHAIR: Staff will brief the Commission on the submittal from Contra Costa County which indicates the County's General Plan ensures conformance with the recently adopted regulation regarding sewage treatment plants and biosolids in the Primary Zone (Utilities and Infrastructure Policy P-3). Further consideration, if required, would be at a future meeting.

MARGIT: Earlier this year, you reviewed a submittal from City of Stockton; this submittal and staff analysis is very similar. The County has submitted a letter stating its earlier amendments require conformance with the Commission's Plan and policies and that no further amendments are needed to address the new "regulation" aka Utilities and Infrastructure P-3. Staff concurs. Unless the Commission disagrees, or wants to discuss the matter further, NO COMMISSION ACTION IS REQUIRED and staff will so inform the County. For further discussion, the matter will be agendaized at the next meeting. Roberta Goulart is here from Contra Costa County if there are questions of County staff.

CHAIR: Any questions of Ms Goulart or of Commission staff?

CHAIR: Public comments?

CHAIR: Any Commission discussion?

NO ACTION NEEDED UNLESS WANT TO SET FOR PUBLIC HEARING AT NEXT MEETING.

11. Briefing on Submittal from Yolo County Regarding Conformance with Amendment to the Land Use and Resource management Plan for the Primary Zone of the Delta.

CHAIR: Staff will brief the Commission on the submittal from Yolo County which indicates the County's General Plan ensures conformance with the recently adopted regulation regarding sewage treatment plants and biosolids in the Primary Zone (Utilities and Infrastructure Policy P-3). Further consideration, if required, would be at a future meeting.

MARGIT: This submittal from Yolo County is essentially the same as Contra Costa's submittal. Staff recommends no further consideration is needed; if the Commission wants to address the matter further, it should be set for public hearing at the next meeting.

CHAIR: Questions of staff?

CHAIR: Public comment?

CHAIR: Commissioner discussion?

NO ACTION IS NEEDED UNLESS THE COMMISSION WANTS TO SET A PUBLIC HEARING FOR THE NEXT MEETING.

12. Consideration and Possible Adoption of a Position Regarding Proposed Requirement to Install Fish Screens on Water Intakes as a Condition of Maintenance and Repair.

CHAIR: The Commission will consider taking a position of the proposal of U.S. Fish and Wildlife and National Marine Fisheries Service to require installation of a fish screen as a condition in the Corps' nationwide permits for maintenance of water intake structures.

MARGIT: Mr. Chairman, the staff report outlines the actions which led to this item being placed on the agenda. The Corps' reissues its nationwide permits every five years; the nationwide permits cover minor projects which don't warrant individual review. The US Fish and Wildlife Service and National Marine Fisheries Service forward to the Corps "conditions" which then

become part of every nationwide permit. Those agencies suggested that installation of a fish screen be a condition of maintenance of water intakes. This essentially ups the ante; until this time, only NEW water intakes had been required to install fish screens. The challenge is the screens must be self cleaning; to self clean, power is needed; thus installation becomes expensive, approximately \$50,000 per unit. USFWS AND NMFS indicated they were willing to receive input on the proposed condition. There are two basic approaches to comment: one would be to request refinement of the proposed condition, for example based on the volume of water, the time of year of the use, or the size of the parcel to be irrigated. This is the type of comment the resources agencies are prepared to work with. However, that assumes that it is appropriate to require fish screens as a condition of maintenance of intakes. Staff prepared a draft letter for your consideration which takes a second approach, that it is unreasonable and unwarranted to require the screens as a condition of maintenance work. If you chose to act, you could send this letter; you could chose to send a letter of a different tone; or you could chose to not comment. This matter is still pending.

CHAIR: Any questions of staff?

CHAIR: Any public comments?

CHAIR: Any Commissioner discussion?

(If vote, need motion, second, voice vote.)

13. Consideration and Possible Adoption of a Position Regarding the CALFED Ecosystem Restoration Program Plan (ERPP).

CHAIR: The staff will brief the Commission on CALFED activities and the Draft Ecosystem Restoration Program Plan. The Commission will consider taking a position on the Draft Ecosystem Restoration Program Plan.

MARGIT: You have received in your packet, several items related to CALFED activities. First, regarding the Category III program, there is a memo dated August 25 outlining the process; page 5 is a summary of all the grant applications received; and on page 6, a summary of the grant applications in the Delta.

This is all they are able to release. Questions?

Second is a memo from DELTA PROTECTION COMMISSION staff listing the storage and conveyance alternatives that are still under consideration, the alternatives that have been dropped, and the one new alternatives (with a map); and a matrix. Questions?

Finally you have received information on the Draft ERPP: A summary and draft comment letter; maps of the four subareas; and excerpts from Volume II and Volume III. The memo describes the ERPP as a common element of the CALFED program; that is a program that would go forward with whichever storage and conveyance alternative is selected. The impacts of the ERPP will be evaluated in the DEIR now being prepared and due for release in November.

The memo focuses on the Delta portion of the ERPP, and the impacts to land use. The major habitat restoration work is proposed in the Delta; the ERPP would restore over a 25 year period 110,000 to 140,000 acres of lands now behind dikes and used for agriculture to wetland habitat. The ERPP states acquisition would be on a willing seller basis only.

While the ERPP states the impacts would affect the entire Legal Delta, I believe that most of those impacts would fall in the Primary Zone, the area of concern to the Commission, because its unlikely areas already developed or slated for development in areas around West Sacramento, Sacramento, Stockton, Tracy, Oakley, Brentwood, Discovery Bay, Antioch or Pittsburg will be restored to habitat.

The ERPP describes a number of stressors; human activities that adversely impact habitat, and the actions proposed to address those stressors. The "Staff discussion" is from your staff.

Pages 10 and 11 show the acreage proposed for restoration in the four sub-areas; the four sub-areas are on the maps on pages 12 through 15.

On pages 7-9 is a draft letter to CALFED. I have also distributed a brief addition to the draft letter to address CALFED's No Significant Redirected Impacts policy. The Commission could choose to send this letter; could direct staff to draft a letter with different comments; or could choose not to

send a comment letter to CALFED at this time, possibly waiting until the DEIR is released. Comments on the Draft ERPP are due October 14.

This topic was reviewed by the Commission's CALFED Subcommittee at two meetings on August 6, and September 3. The participating members helped guide the direction of the draft letter and staff report.

CHAIR: Call on STEVE MELLO, CHAIR OF THE CALFED SUBCOMMITTEE.

CHAIR: Commission questions of staff?

CHAIR: Public Comments?

CHAIR: Commission discussion?

(If choose to take position and send letter; need Motion; Second and Voice Vote--ask for abstentions)

14. Commissioner Comments/Announcements.

CHAIR: This is the time for any brief Commissioner announcements.

15. Adjournment.

CHAIR: Adjourn the meeting.